

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

IN RE WYATT & MCALISTER, PLLC

CIVIL ACTION NO. 3:10cv449-DPJ-FKB

ORDER

This bankruptcy appeal is before the Court on two motions. First, the parties have jointly moved to consolidate this action [4] with a second bankruptcy appeal, In re Wyatt & McAlister, PLLC, Civil Action No. 3:10cv436-HTW-LRA. The parties filed the motion in both civil actions, however, the question of consolidation is before Chief Judge Wingate, who is presiding over the lower numbered action (3:10cv436). Therefore, the motion to consolidate filed in Civil Action No. 3:10cv449 is considered moot.

Second, the parties have jointly moved for entry of a briefing schedule [5] “assuming the Court is in agreement with the joint motion for consolidation.” Motion ¶ 12. Because this motion is dependent on the issue of consolidation, the Court finds this motion should also be considered moot. If consolidation is denied by Chief Judge Wingate, the parties may re-file their motion for a scheduling order, along with a proposed agreed order setting out the preferred briefing schedule.¹

SO ORDERED this the 13th day of October, 2010.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE

¹ The parties are directed to report back to the Court on the status of this case on December 13, 2010.